

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

INTELLICHECK MOBILISA, INC., a  
Delaware corporation,

Plaintiff,

v.

WIZZ SYSTEMS, L.L.C., d/b/a IDScan.net, a  
Louisiana Limited Liability Company,

Defendant.

NO. 2:15-cv-00366-JLR

JOINT STIPULATED MOTION ~~and~~  
~~PROPOSED ORDER~~ FOR EXTENSION  
OF TRIAL DATE AND OTHER  
RELATED DATES

**NOTE ON MOTION CALENDAR:  
OCTOBER 24, 2017**

Pursuant to Local Civil Rules 7(d)(1) and 16(b)(4), Plaintiff, Intellicheck Mobilisa, Inc. ("Intellicheck"), and Defendant, WIZZ SYSTEMS, L.L.C., d/b/a IDScan.net ("Idscan.Net") hereby jointly move this Court for an Order extending the trial date and other trial-related dates in this matter. The parties agree that there is good cause to extend these deadlines and in support of this motion, state as follows:

1. Intellicheck is represented by lead counsel Amber N. Davis and Terry M. Sanks, from Beusse Wolter Sanks & Maire, PLLC, as well as local counsel, Benjamin J. Byer, from Davis Wright Tremaine, LLP

2. This matter is currently scheduled for the trial period beginning March 5, 2018. However, Ms. Davis and her husband recently found out they are expecting a child, due March 15, 2018, just ten days after the start of a scheduled four to five day trial.

1           3. Counsel for both parties are aware of this Court's recent Order (Dkt. 100),  
2 which states that no additional extensions of the pretrial schedule will be made. The parties do  
3 not know whether the Court had an extension of the trial date in mind when it issued that  
4 Order, but the parties provide the following additional factual background.

5           4. Prior to receiving this Order, counsel for the parties contacted Chambers and  
6 sought to schedule a time to speak with the Court to alert it of the pregnancy. On Tuesday,  
7 October 17, 2017, counsel for the parties spoke with the Clerk and were instructed to file the  
8 instant motion.

9           5. Both Ms. Davis and Mr. Sanks are partners in a small intellectual property law  
10 firm. Ms. Davis, however, is lead trial counsel, has substantially more trial experience, and the  
11 client desires Ms. Davis to act as lead counsel at trial. Moreover, there are no other attorneys in  
12 Plaintiff's counsels' law firm that would be able to replace Ms. Davis and take over as lead  
13 counsel in this matter. Although the parties recognize the important role local counsel plays—  
14 particularly in this District—they believe the unavoidable overlap between Ms. Davis's due  
15 date and the trial, along with the parties' agreement, provide the good cause needed to move the  
16 trial date and allow Intellicheck to proceed to trial with their preferred lead trial counsel

17           6. The parties are not seeking an extension of the Dispositive Motions deadline, the  
18 Settlement Conference Deadline or the Motions in Limine deadline and are fully prepared to  
19 comply with those deadlines.

20           7. The parties understand that the case may be moved to the end of the calendar  
21 which is believed to be February or March of 2019.

22           8. Presently, counsel for Intellicheck is scheduled for a three day trial in a matter  
23 pending before the United States District Court for the Middle District of Florida/Orlando  
24 Division beginning on February 4, 2019.

25           9. The Parties therefore respectfully request an extension of the trial date, including  
26 an extension of the Agreed Pretrial Order, Pretrial Conference and the Trial Briefs, voir dire,

1 and jury instructions to the Court's first available opening after March 1, 2019.

2 IT IS SO STIPULATED.

3 DATED this 24<sup>th</sup> day of October, 2017.

4 DAVIS WRIGHT TREMAINE LLP

KELLEY DRYE & WARREN, LLP

5 By:s/Benjamin J. Byer

By:s/David R. Yohannan

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16 Intellicheck Mobilisa, Inc.

Attorneys for Defendant WIZZ SYSTEMS,  
L.L.C., d/b/a IDScan.net

17 ~~PROPOSED~~ ORDER 

19 It is so ordered.

20 DATED this 24<sup>th</sup> day of October 2017.

21   
22 THE HONORABLE JAMES L. ROBART  
23 UNITED STATES DISTRICT JUDGE  
24  
25  
26

**CERTIFICATE OF SERVICE**

I hereby certify that on October 24, 2017, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Attorneys for Defendant Wizz Systems,  
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DATED this 24<sup>th</sup> day of October, 2017.

s/Benjamin J. Byer  
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